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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,709	07/19/2000	ANDREAS FERENCZ	H2933/3578UA	9120

7590 05/21/2002

Rocco S. Barrese, Esq.
Dilworth & Barrese, LLP
333 Earle Ovington Boulevard
Uniondale, NY 11553

EXAMINER

SHORT, PATRICIA A

ART UNIT	PAPER NUMBER
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1712

13

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/555 709

Applicant(s)

Ferencz et al.

Examiner

Shont

Group Art Unit

1712

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on April 15, 2002
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 19-37 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 19, 20, 22-37 is/are rejected.
- ☒ Claim(s) 21 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 1712

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 19, 20 and 22-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP '177 alone or in view of Widder. The rejections are applied in the previous Office action. At page 3, line 19, EP '177 discloses liquid polyesters for use as a plasticizer in the degradable polyester hot melt adhesive. Liquid polyester would necessarily have a glass transition temperature below 60° C. Widder provides evidence that conventional polyester plasticizers have molecular weights below 10,000. Widder relates to modifying conventional polyester plasticizers to reduce their odor and at col. 4, lines 13-29, discloses that such polyesters plasticizers have molecular weights of about 500 to 8000. It would have been obvious to use a conventional liquid polyester having a molecular weight below 8000 as the liquid polyester plasticizer in the polyester hot melt adhesives of EP '177.

With respect to the rejection over EP '177 in view of Widder, while Widder specifically relates to polyester plasticizers that are used in a food environment, the reference generally relates to reducing the odor of polyester plasticizers. See col. 1, line 51-55. When formulated with plasticizers, the hot melt adhesives taught by EP '177 are used in the assembly of disposable articles such as diapers and hospital gowns. See page 4, lines 6-8. It would have been obvious to use the modified polyester plasticizers of Widder as the liquid polyester plasticizer in the polyester hot melt adhesives of EP '177 when using in the assembly of disposable articles designed to be worn in order to reduce the odor.

Art Unit: 1712

Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

P. Short

May 9, 2002

Phone (703) 308-2395

Fax (703) 872-9311

PATRICIA A. SHORT
PRIMARY EXAMINER

